



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

**CONSENT FOR ACCESS TO PROPERTY**

**RIGHT OF ENTRY TO PREMISES:**

The Property Owner (the Grantor) consents to and authorizes the United States Environmental Protection Agency (EPA) and its authorized representatives and their contractors collectively the Grantee, to enter and perform certain environmental sampling activities upon the following premises:

**Owner's Name:** Ryan Bennett and Bruce Norquist

**Property Covered By this Consent for Access:** (property description, parcel ID or mine claim):

Adventure 14413  
Iron Mask 14443  
Ben Franklin Lode 1011  
Webster 1659  
Henry Clay 1660  
(\*\*See attached list of locations)

**PURPOSE OF RESPONSE ACTIVITIES:**

The EPA is requesting access to collect water quality, sediment, and aquatic insect samples and flow measurements from the Animas River and tributaries at your property. The sampling activities may include any of the following:

- Access the sample locations by foot to collected water samples, sediment samples and flow measurements.
- Conduct sampling events during the high flow period (spring runoff) and in the low flow period (fall/winter) to collect samples and flow measurements.
- Placement of an automated sampling device called a "mini-sipper", at a select few locations, to collect continuous water samples and store them in the device for a period of weeks or months. Retrieval of the "mini-sipper" device and collected samples once the sampling period is completed.
- Collect aquatic insects by placing a net in the river to capture insects floating downstream.
- Portions of the main stem of the Animas River may have fish collection events in cooperation with Colorado Parks & Wildlife (CWP).

**ENVIRONMENTAL RESPONSE ACTIVITIES:**

By signing this Consent for Access, the Property Owner is granting EPA, its employees and their contractors, and representatives including the United States Geological Survey (USGS), United States Fish & Wildlife Service (USFWS), Bureau of Land Management (BLM), the Colorado Department of Public Health and Environment (CDHPE) and the Colorado Division of

Reclamation, Mining & Safety (CDRMS) the right to enter the property, at all reasonable times and with prior notice, for the sole purpose of conducting the sampling described above. This consent for access shall remain in effect for a period of [2] years from the date of signature of this Consent.

EPA, its employees, and its contractors shall accomplish the sampling activities in a manner that will not impair, interfere, or impede the activities or operations of Property Owner on the Property. EPA, its employees, and its contractors shall minimize disturbance of the Property to the maximum extent practicable. The Property and any improvements that are disturbed or otherwise impacted by the sampling activities shall be repaired or replaced as soon as practicable to equal or better condition.

EPA's contractors shall maintain such commercial general liability insurance for the entire term of this Consent for Access and any period during which the parties hereto extend the term of this Consent for Access. EPA's contractors shall maintain throughout the term of this Consent for Access adequate Workers' Compensation Insurance in compliance with all applicable laws and regulations. EPA's contractors, at Property Owner's request, shall submit proof of insurance conforming to the requirements of this paragraph.

EPA, its employees, and their contractors and representatives are allowed on the Property at their own risk.

EPA shall ensure that the sampling activities are done professionally, in a good and workman-like manner, and in compliance with all applicable laws. EPA shall manage any investigation derived waste (IDW) generated from the performance of the sampling activities in accordance with applicable law, and shall remove any and all such IDW from the Property within seven (7) days of generating such waste materials. EPA shall leave the Property at the end of each day in a neat and orderly condition.

Should Property Owner initiate development of the Property prior to the expiration of this Consent for Access, Property Owner will take reasonable measures to accommodate EPA's need to maintain the sampling equipment on the Property or install replacement sampling equipment following development of the Property. But the determinations of whether (i) the sampling equipment must be removed prior to or during development of the Property; and/or (ii) whether replacement sampling equipment will be installed on the Property will be made by Property Owner in its sole discretion provided the sampling equipment has been in place for no less than one year.

#### AGREEMENT NOT TO INTERFERE

The Property Owner agrees to not interfere or tamper with any of the water quality and sediment sampling activities, or the equipment used to perform the sampling activities.

This written permission is given voluntarily with knowledge of the right to refuse and without compulsion or promises of any kind.

☐ **I grant access to my property(s)**

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**Signature**

**Date**

**Mailing Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Daytime Phone No.** \_\_\_\_\_

After signing, please return to:

Paula Schmittiel, Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
Office Phone: 303-312-6861  
Cell Phone: 720-951-0795  
Email: [schmittiel.paula@epa.gov](mailto:schmittiel.paula@epa.gov)

**or**

Liz Fagen, Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, Colorado 80202-1129  
Mail Code: 8EPR-SR  
Office Phone: 303-312-6095  
Cell Phone: 406-214-4257  
Email: [fagen.elizabeth@epa.gov](mailto:fagen.elizabeth@epa.gov)

Location ID	Description	Latitude	Longitude	Claim Name/ SN#
ARD1	Drainage from Ben Franklin Waste Pile	37.893821	-107.606795	Adventure 14413
				Iron Mask 14443
DM32	Ben Franklin Prospect Draining Mine	37.894813	-107.608986	Ben Franklin Lode 1011
				Webster 1659
				Henry Clay 1660
EG3A	Eureka Gulch below Headwaters Confluence	37.894966	-107.60871	Ben Franklin Lode 1011
				Webster 1659
				Henry Clay 1660
				Iron Mask 14443
EG5	Eureka Gulch below Ben Franklin Mine	37.894152	-107.606448	Adventure 14413
				Iron Mask 14443